

**OCT 18 2005****CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT**

---

**UNITED STATES OF AMERICA,****Plaintiff-Appellee,****v.****JESUS SARABIA, a/k/a Andre Williams,****Defendant-Appellant.**

---

**No. 04-50396****D.C. No. CR-02-00074-VAP-01****MEMORANDUM\***

**Appeal from the United States District Court  
for the Central District of California  
Virginia A. Phillips, District Judge, Presiding**

**Submitted October 11, 2005\*\***

**Before: T.G. NELSON, WARDLAW, and TALLMAN, Circuit Judges.**

**Jesus Sarabia appeals his guilty plea conviction and 240-month sentence imposed for conspiracy to manufacture and possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846, possession with intent to sell methamphetamine, in violation of 21 U.S.C. § 841(a)(1), and felon in possession of**

---

**\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.**

**\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).**

a firearm, in violation of 18 U.S.C. § 922(g)(1).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Sarabia has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Sarabia has not filed a pro se supplemental brief.

Because our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 82-83 (1988), indicates that Sarabia knowingly and voluntarily waived his right to appeal and was sentenced within the terms of the plea agreement, we enforce the waiver and dismiss the appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered knowingly and voluntarily).

Counsel's motion to withdraw is **GRANTED**, and the appeal is **DISMISSED**.